



# BUILDING CODES COMMITTEE MEETING

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**MONDAY, APRIL 1, 2024 | 6:00 PM**

1<sup>st</sup> committee meeting

The Committee will meet in the Council Chambers  
at Mauldin City Hall at 5 East Butler Road

## **Building Codes (BDS) Committee AGENDA**

### **April 1, 2024**

- |   |                            |
|---|----------------------------|
| <b>1. <u>Call to Order</u></b>  | Chairperson Mark Steenback |
| <b>2. <u>Public Comment</u></b>   | Chairperson Mark Steenback |
| <b>3. <u>Reading and Approval of Minutes</u></b>  | Chairperson Mark Steenback |
| a. Building Codes Committee Meeting:<br>March 4, 2024 ( <i>Pages 2-5</i> )  |                            |
| <b>4. <u>Reports or Communications from City Officers</u></b>   | Chairperson Mark Steenback |
| a. BDS Department Report, David Dyrhaug   |                            |
| <b>5. <u>Unfinished Business</u></b>  | Chairperson Mark Steenback |
| a. None   |                            |
| <b>6. <u>New Business</u></b>   | Chairperson Mark Steenback |
| a. An Ordinance to provide for the annexation of<br>property owned by Clayton Bohn, Jr., and<br>located at 2 Woodhedge Court (Tax Map<br>Parcel: M006.02-01-434.00) by one hundred<br>percent petition method; and to establish a<br>zoning classification of R-15, residential, for said<br>property ( <i>Pages 6-14</i> ) |                            |
| b. An amendment to the Mauldin Zoning Ordinance<br>removing certain uses from those allowed in the S-<br>1 and I-1 zoning districts ( <i>Pages 15-20</i> )  |                            |
| c. An amendment to the Mauldin Zoning Ordinance<br>establishing regulations for nonconforming uses,<br>structures, sites, lots, and signs ( <i>Pages 21-36</i> )  |                            |
| <b>7. <u>Public Comment</u></b>   | Chairperson Mark Steenback |
| <b>8. <u>Committee Concerns</u></b>   | Chairperson Mark Steenback |
| <b>9. <u>Adjourn</u></b>  | Chairperson Mark Steenback |

Building Codes Committee Meeting



Minutes

Building Codes (BDS) Committee

March 4, 2024

3<sup>rd</sup> Committee Meeting

Committee Members present: Mark Steenback (Chair), Frank Allgood and Taft Matney.

Others present: David Dyrhaug, Business and Development Services Director and Seth Duncan, City Administrator

1. **Call to Order-** Chairman Mark Steenback

2. **Public Comment-**

Stuart Wyeth commented as a developer of 110 North Main Street. He thanked the committee for their consideration of the placement of a coffee shop in the project. He and his team have listened to the comments on this project and have addressed both the queue concerns and isolation of traffic flow to Jenkins Court from the project.

3. **Reading and Approval of Minutes**

a. Building Codes Committee Meeting: February 5, 2024

**Motion:** Councilman Matney made a motion to accept the minutes with Councilman Allgood seconding.

**Vote:** The vote was unanimous (3-0).

4. **Reports or Communications from City Officers**

a. BDS Department Report, David Dyrhaug

Mr. Dyrhaug reported permits have been issued for the second phase of Parkside at Butler. Business licenses have been issued for more businesses at Bridgeway Station. A new building inspector has been added to staff to cut down on the expense for the contracted inspectors we have been using.

5. **Unfinished Business**

a. An Amendment to Section 5:6.16 of the Mauldin Zoning Ordinance regarding drive-thru facilities in the Central Redevelopment District



The ordinance modifies the allowance for a drive-thru facility in the Central Redevelopment District in a minimal way that does not impact other properties aside from 110 N. Main Street. This item was sent to the Planning Commission. Members expressed support for the manner in which the ordinance would minimally allow drive-thru facilities. They additionally supported restricting driveway access from drive-thru facilities onto the Jenkins Court extension. The Planning Commission voted 7-0 to recommend approval of the ordinance.

**Motion:** Councilman Matney made a motion to send this item to Council with Councilman Allgood seconding.

**Vote:** The vote was unanimous (3-0).

## 6. New Business

- a. An Ordinance to provide for the annexation of property owned by Andrew and Alexandria Smith and located at 325 Bridges Road (Tax Map Parcel: 0542.01-01-021.11) by one hundred percent petition method; and to establish a zoning classification of R-15, residential, for said property
- b. An Ordinance to provide for the annexation of property owned by Jason and Tina Styron and located at 315 Bridges Road (Tax Map Parcel: 0542.01-01-021.10) by one hundred percent petition method; and to establish a zoning classification of R-15, residential, for said property

The City of Mauldin has received signed petitions requesting the annexation of two tracts of land (two parcels) pursuant to South Carolina Code of Laws Section 5-3-150. These petitions include approximately 0.8 acres at 315 Bridges Road owned by Jason & Tina Styron and approximately 4.8 acres at 325 Bridges Road owned by Andrew & Alexandria Smith.

The homeowners at 315 Bridges Road had supposed that their home was served by a septic tank system only to discover that their home was illegally tapped into a City of Mauldin sewer line by prior homeowners. The City of Mauldin has a policy that only properties inside the City limits are allowed to connect to City-owned sewer lines. The purpose of this annexation petition is to rectify this situation and to make the sewer connection legal.

Although the R-15 zoning district is a much lower density district than the designation in the Comprehensive Plan, this district is consistent with the current single-family character of each of these two properties and matches the zoning of the Ricelan Creek subdivision across the street on Bridges Road.



**Motion:** Councilman Matney made a motion to send these two items to Council with Councilman Allgood seconding.

**Vote:** The vote was unanimous (3-0).

Councilman Matney said Governor McMaster signed into law that the first Monday in March is Water Professionals Day. This is a prime example of people not knowing where their waste water is going. He wished Public Works a Happy Water Professionals Day.

c. Institutional uses in the S-1 and I-1 zoning districts

This agenda item is being presented for review and discussion of the City of Mauldin's allowances for institutional uses in S-1 and I-1 zoning districts.

Employment centers, such as the Brookfield Office Park and the industrial corridor along Old Stage Road and SC Highway 417, have historically been vital to the success and fiscal well-being of the community. These centers provide great access to job opportunities and are a vital portion of the City's tax base. The City is beginning to see more interest from institutional uses in vacant spaces at these centers. This includes a private school that has already moved into the Brookfield Office Park and a charter school approved by the Zoning Board of Appeals earlier this year to open in the Brookfield Office Park.

As institutional uses such as schools, churches, and other non-profit organizations purchase property and occupy space in these centers, the City loses much of its opportunity for business license revenue and even property tax revenue.

The committee is interested in looking at an ordinance to address this issue. Mr. Dyrhaug will have the planning commission draft an ordinance to present to committee.

Councilman Allgood asked Mr. Charles if there have been any issues bringing in businesses due to this. Mr. Charles said not in Brookfield. There has not been much interest in the property. There has been an issue with price points of other properties. Prices are higher than the market will bear. Mr. Duncan said there is a lot of vacant office space out there because the work environment has changed.

No action was needed by the committee.

7. **Public Comment-**

George Dallan of 204 Fieldgate Court commented on speeding through his neighborhood. He is the HOA President of Planters Row. His neighborhood is used as a cut-through. The traffic is faster than the 25 mph posted speed limit.

## Building Codes Committee Meeting



Mr. Dallan then mentioned there is an Air BnB in Planters Row. Mauldin's ordinance states the HOA is responsible for allowing or not allowing that type of rental. Mr. Dallan said Planters Row does not allow rentals for temporary gain. He would like to know what they can do to enforce this.

8. **Committee Concerns-** None

9. **Adjourn-** Chairman Steenback adjourned the meeting at 7:25 p.m.

Respectfully Submitted,  
Cindy Miller  
Municipal Clerk



# BUILDING CODES COMMITTEE AGENDA ITEM

**MEETING DATE:** April 1, 2024

**AGENDA ITEM:** 6a

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**TO:** Building Codes Committee

**FROM:** Business & Development Services Director, David C. Dyrhaug

**SUBJECT:** Annexation of 2 Woodhedge Ct

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**OWNER(S):** Clayton Bohn, Jr.

**TAX MAP #(S):** M006.02-01-434.00

**LOCATION:** 2 Woodhedge Ct

**CURRENT ZONING:** R-15 (County)

**REQUESTED ZONING:** R-15, Residential

**SIZE OF PROPERTY:** Approx. 0.4 acres

**CONTIGUITY:** The tract at 2 Woodhedge Court touches the City on three sides. This tract is the only property in Butler Forest that is not in the City limits.

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## REQUEST

The City of Mauldin has received signed petitions requesting the annexation of a tract of land (one parcels) pursuant to South Carolina Code of Laws Section 5-3-150. This petition includes approximately 0.4 acres at 2 Woodhedge Court owned by Clayton Bohn, Jr.

Per the Mauldin Public Works Department, this homeowner had enjoyed trash service from the City until it was recently realized that this property is not in the City limits. The homeowner has petitioned the City to annex their property so that they can receive City services including sanitation.

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## PLANNING AND ZONING

### *About the R-15 District*

The R-15 zoning designation is a low-density residential district intended to provide single-family living. R-15 zoning allows a minimum 15,000-square foot lot for detached single-family homes.



### ***Comprehensive Plan Designation***

This tract is designated for low-density residential on the Future Land Use Map in the Comprehensive Plan. This designation consists of single family homes, typically on ¼-acre size lots or larger. The R-15 zoning is consistent with this designation.

### ***Surrounding Development/Zoning***

These properties are surrounded by the following zoning and land uses:

Direction	Zoning District(s)	Existing Use(s)
North	R-15 (City)	Butler Forest subdivision
South	R-10 (City)	Butler Station subdivision
East	R-S (County)	Undeveloped City-owned property
West	R-15 (City)	Butler Forest subdivision

### ***Summary***

The R-15 zoning is consistent with the low-density residential designation in the Comprehensive Plan.

### **TIMELINE**

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On March 6, 2024, staff received the signed petition for the annexation of this parcel.

### **STAFF RECOMMENDATION**

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This annexation fills in a portion of a donut hole inside the City of Mauldin. The City of Mauldin already provides services to the areas surrounding this property. It makes sense for the City of Mauldin to provide services to this property from an efficiency standpoint. Staff supports this annexation.

### **ATTACHMENTS**

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Annexation Ordinance (maps and petitions attached therein)








# Annexation at 2 Woodhedge Court





Legend

 Subject Property

 Tax Parcel

 Municipal Boundary





Created on March 25, 2024

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**ORDINANCE # \_\_\_\_\_**

**AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY OWNED BY CLAYTON BOHN, JR., AND LOCATED AT 2 WOODHEDGE COURT (TAX MAP PARCEL: M006.02-01-434.00) BY ONE HUNDRED PERCENT PETITION METHOD; AND TO ESTABLISH A ZONING CLASSIFICATION OF R-15, RESIDENTIAL, FOR SAID PROPERTY**

WHEREAS, Clayton Bohn Jr. is the sole owner of record title of a parcel of real property containing 0.4 acres, more or less, located at 2 Woodhedge Court, which property is contiguous to the City of Mauldin and is more particularly illustrated in Exhibit 1 attached hereto; and,

WHEREAS, an Annexation Petition, attached hereto as Exhibit 2, has been filed with the City of Mauldin by Clayton Bohn Jr., requesting that the aforementioned property be annexed into the City of Mauldin; and,

WHEREAS, the property to be annexed is contiguous to the City of Mauldin, and is more particularly depicted in Exhibit 1 attached hereto; and,

WHEREAS, Clayton Bohn Jr. constitutes one hundred (100%) percent of freeholders owning one hundred (100%) of the real property depicted in Exhibit 1 attached hereto; and,

WHEREAS, the proposed zoning of R-15, Residential, is compatible with the surrounding property uses in the area; and,

WHEREAS, the Mayor and Council conclude that the annexation is in the best interest of the property owner and the City;

NOW, THEREFORE, be it ordained by the Mayor and Council of the City of Mauldin that:

1. ANNEXATION: The real property owned by Clayton Bohn Jr., and more particularly depicted in the map attached hereto marked as Exhibit 1, is hereby annexed into the corporate city limits of the City of Mauldin effective immediately upon second reading of this ordinance.

2. ANNEXATION OF A PORTION OF ADJACENT RIGHTS-OF-WAY: All of that portion of Adams Mill Road along the edge of and adjoined to the annexed property shown on the attached Exhibit to the centerline of the afore-mentioned right-of-way is also hereby annexed into the corporate limits of the City of Mauldin effective immediately upon second reading of this ordinance.



3. ZONING ASSIGNMENT: The above referenced property owned is hereby zoned R-15, Residential.

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Terry Merritt, Mayor

ATTEST:

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Cindy Miller, Municipal Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Approved as to Form:

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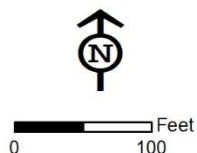
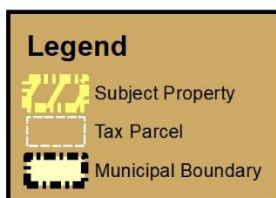
City Attorney





**EXHIBIT 1 – ANNEXATION MAP**

**Annexation at 2 Woodhedge Court**



Created on March 25, 2024

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Building Codes Committee Meeting



**EXHIBIT 2 – PETITION**

PETITION FOR ANNEXATION OF REAL PROPERTY OWNED  
BY CLAYTON C BOHN JR, AND LOCATED AT 2  
WOODHEDGE COURT INTO THE CITY OF MAULDIN BY  
ONE HUNDRED PERCENT (100%) METHOD

Petitioner, Clayton C. Bohn, Jr., is the sole owner [freeholder owning one hundred (100%) percent of the assessed value of real property in the area proposed to be annexed] of a parcel of real property in Greenville County containing approximately 0.41 acres, more particularly described in the property description attached hereto marked as Exhibit A, and the Property Map attached hereto marked as Exhibit B.

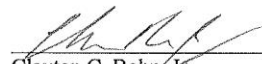
Petitioner hereby petitions to annex their property consisting of 0.41 acres, which is contiguous to the City of Mauldin, into the corporate limits of the City of Mauldin. Petitioner also hereby petitions to assign their property the zoning classification of R-15, Single-Family Residential on the Official Zoning Map of the City of Mauldin.

This Petition is submitted to the City of Mauldin pursuant to the provisions of S.C. Code §5-3-150(3) authorizing the City Council to annex an area by the one hundred percent (100%) method.


This Petition is dated this 6th day of March, 2024, before the first signature below is attached.

The Petitioner requests that the tract described above and shown on the attached Exhibit A be annexed into the corporate city limits of the City of Mauldin and assign the tracts the zoning classification of R-15, Single-Family Residential.

3/6/2024, 2024  
Date

  
Clayton C. Bohn, Jr.

  
Witness

  
Witness

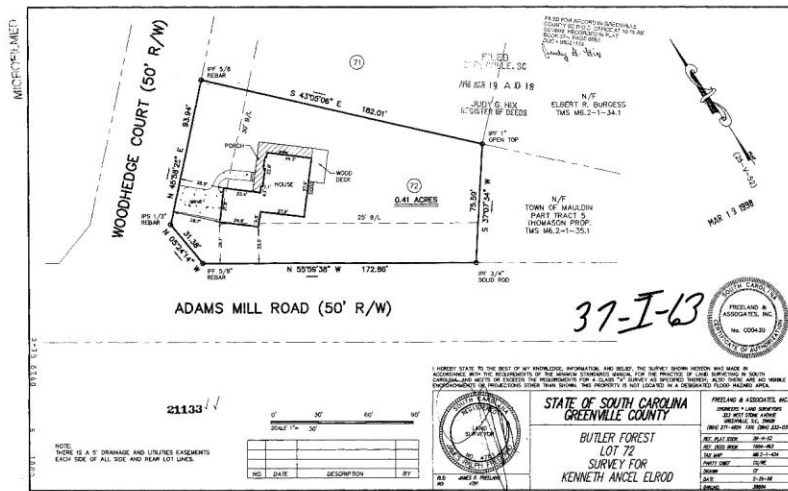
# Building Codes Committee Meeting



## EXHIBIT A

### PROPERTY DESCRIPTION

ALL THAT CERTAIN piece, parcel or tract of land, situate, lying, and being in the State of South Carolina, County of Greenville, containing 0.41 acres, more or less, on Woodhedge Court, shown upon a plat of survey for Kenneth Ancel Elrod, prepared by Freeland & Associates, dated February 26, 1998 and recorded in the Office of the Register of Deeds for Greenville County in Plat Book 37-I at Page 63. Reference to said plat hereby made for a metes and bounds description thereof.



Building Codes Committee Meeting



EXHIBIT B

Annexation at 2 Woodhedge Court



**Legend**

- Subject Property
- Tax Parcel
- Municipal Boundary

0 100 Feet

Created on March 6, 2024

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# BUILDING CODES COMMITTEE AGENDA ITEM

**MEETING DATE:** April 1, 2024

**AGENDA ITEM:** 6b

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**TO:** Building Codes Committee

**FROM:** Business & Development Services Director, David C. Dyrhaug

**SUBJECT:** Institutional Uses in S-1 and I-1 Districts

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## BACKGROUND

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Employment centers, such as the Brookfield Office Park and the industrial corridor along Old Stage Road and SC Highway 417, have historically been vital to the success and fiscal well-being of the community. These centers provide great access to job opportunities and are a vital portion of the City's tax base. The City is beginning to see more interest by institutional uses in vacant spaces at these centers. This includes a private school that has already moved in to the Brookfield Office Park and a charter school approved by the Zoning Board of Appeals earlier this year to open in the Brookfield Office Park. As institutional uses such as schools, churches, and other non-profit organizations purchase property and occupy space in these centers, the City loses much of its opportunity for business license revenue and even property tax revenue.

## CURRENT MAULDIN STANDARDS

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The **S-1 zoning district** is intended primarily for trades and commercial services. This district generally allows: (1) commercial uses which are service related; (2) service-related commercial uses which sell merchandise related directly to the service performed; (3) commercial uses which sell merchandise which requires storage in warehouses or outdoor areas; and (4) light industries which in their normal operations would have a minimal effect on adjoining properties. Some of the notable areas in the City that are zoned S-1 include: Brookfield Office Park, Brookfield South flex space district, the former Bi-Lo distribution center area now occupied by Ahold Delhaize, the Elwood Court warehouse district, and the Murray Drive corridor north of Miller Road.

The **I-1 zoning district** is intended primarily for manufacturing plants, assembly plants, and warehouses. Some of the notable areas in the City that are zoned I-1 include: Access Point Industrial Park, industrial corridor along Old Stage Road and SC Highway 417, the Sauer Brands manufacturing plant and surrounding businesses, the Old Mill Road corridor north of Miller Road, the McDougall Court warehouse district, and the International Court warehouse district.



## Building Codes Committee Meeting



Presently, the following institutional and social uses are allowed in either the S-1 and/or I-1 zoning district.

USE or BUSINESS TYPE	ALLOWED IN S-1	ALLOWED IN I-1
Cemetery	✓	
Day Care Center	✓	
Funeral Home	✓	
Assisted Living	✓	
Nursing Home	✓	
Hospital	✓	
Outpatient Healthcare	✓	
Church	✓	
College or University	✓*	✓*
Grade School	✓*	
Social Assistance Services	✓	

\*Approval by the Zoning Board of Appeals is required

### COMPREHENSIVE PLAN

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The Mauldin Comprehensive Plan has a goal to ensure an adequate supply of non-residential land uses within the City limits to support future economic development. The Comprehensive Plan includes a designation for employment centers that largely coincide with the S-1 and I-1 zoned areas. The Comprehensive Plan does not reference institutional uses as appropriate for employment centers. Instead, institutional uses are referenced as appropriate in other future land use designations including non-residential mixed use, residential low-density, community corridors, and neighborhood corridors.

### DRAFT ORDINANCE

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The attached draft ordinance proposes to eliminate cemeteries, funeral homes, religious institutions, grade schools, colleges or universities, and social assistance services as allowed uses in the S-1 and I-1 zoning districts.

### PUBLIC HEARING

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The Planning Commission held a public hearing on March 26, 2024. No public comments were offered at the public hearing.

### TIMELINE

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On March 4, 2024, the concept for this ordinance was reviewed by the Building Codes Committee. At that meeting, the Committee expressed interest in protecting the economic development opportunities provided in employment centers within the City including properties zoned S-1 and I-1.

On March 26, 2024, the Planning Commission held a public hearing and voted 7-0 to recommend approval of the ordinance.

### STAFF RECOMMENDATION

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The elimination of the above-mentioned institutional uses from the S-1 and I-1 zoning districts appears to be consistent with the purpose and intent of these districts. This elimination also appears to support the

## Building Codes Committee Meeting



economic development and land use goals and designations in the Mauldin Comprehensive Plan. Staff supports the adoption of this ordinance.

### **PLANNING COMMISSION RECOMMENDATION**

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On March 26, 2024, the Planning Commission voted 7-0 to recommend approval of the ordinance.

### **ATTACHMENTS**

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Draft Ordinance

**ORDINANCE # \_\_\_\_\_**

**AN AMENDMENT TO THE MAULDIN ZONING ORDINANCE  
REMOVING CERTAIN USES FROM THOSE ALLOWED IN  
THE S-1 AND I-1 ZONING DISTRICTS.**

**WHEREAS**, the Mauldin Comprehensive Plan includes a goal to ensure adequate supply of non-residential land uses within the City limits to support future economic development; and

**WHEREAS**, areas zoned S-1 and I-1 within the City limits of Mauldin are envisioned in the Mauldin Comprehensive Plan as “employment center” areas that support the City’s economic development initiatives and strategies; and

**WHEREAS**, institutional uses are not included in the defined category of employment centers; and

**WHEREAS**, the City seeks to protect economic development opportunities in the S-1 and I-1 districts; and

**WHEREAS**, the City is engaged in ongoing efforts to update and refine the City’s master plan and zoning regulations; and

**WHEREAS**, pursuant to properly published public notice, the Mauldin Planning Commission considered this matter at a public hearing on March 26, 2024, and unanimously recommended approval.

**NOW THEREFORE BE IT ORDAINED** by the Mayor and City Council of the City of Mauldin, South Carolina, in council assembled and by the authority thereof that the Mauldin Municipal Code be amended as follows:

**Section 1 Amendment.** Amend Article 7, Allowed Uses, as follows (*language that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language is not ~~struck through~~ or underlined is not to be changed, and \*\*\* represents sections of the Zoning Ordinance that have been skipped and remain unchanged*):

**ARTICLE 7. – ALLOWED USES**

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**Sec. 7:1 – Uses by Districts.**

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# Building Codes Committee Meeting



## 7:1.5 Table of Allowed Uses

	R-20, R-15, R-12	R-10, R-8, R-6, RM-1	R-M	R-O	O-D	C-1	C-2	C R D	S-1	I-1	Notes
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<i>Institutional and Social Uses</i>											
Cemetery	-	-	-	-	-	-	C	-	<b>C-</b>	-	See Ch. 12 in Code of Ordinances
Day Care Center (Adult or Children)	-	-	C	C	C	C	C	C	C	-	See standards in Sec. 10:10 and 10:11
Day Care Home (Adult or Children)	C	C	C	C	-	-	-	-	-	-	See standards in Sec. 10:12 and 10:13
Funeral Home	-	-	-	-	-	P	-	-	<b>P-</b>	-	
Health Care Service—Assisted Living	-	-	P	-	-	P	-	-	P	-	
Health Care Service—Hospital	-	-	-	-	-	-	P	-	P	-	
Health Care Service—Nursing Home	-	-	-	-	-	P	-	-	P	-	
Health Care Service—Outpatient	-	-	-	-	-	P	P	P	P	-	
Health Care Service—Residential Care Facility	-	-	C	C	-	-	-	-	-	-	See standards in Sec. 10:14
Library	S	S	S	P	P	P	P	P	-	-	See standards in Sec. 10:15
Meeting or Assembly Hall	-	-	-	-	P	P	P	-	P	-	
Public Administration Building	-	-	-	-	-	P	P	P	P	-	
Public Safety Facility	S	S	S	P	P	P	P	P	P	P	
Public Works Facility	-	-	-	-	-	-	-	-	P	P	
Religious Institution	C	C	C	C	P	P	P	-	<b>P-</b>	-	See standards in Sec. 10:16
School—College or University	-	-	-	S	-	S	S	-	<b>S-</b>	<b>S-</b>	See standards in Sec. 10:17
School—Grade	S	S	S	S	S	S	-	-	<b>S-</b>	-	See standards in Sec. 10:18
School—Technical, Trade or Other Specialty	-	-	-	-	-	C	C	C	C	C	See standards in Sec. 10:19
Social Assistance Services	-	-	-	P	P	P	P	P	<b>P-</b>	-	



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**Section 2 Severage Provision.** It is hereby declared to be the intention of the governing authority of this municipality that the sections, paragraphs, sentences and clauses and phrases are severable, and if any phrase, clause, sentence, paragraph, subsection, or section of this Ordinance shall be declared to be invalid or unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such invalidity or unconstitutionality shall not effect any of the remaining portions of this Ordinance so held to be invalid.

**Section 3.** This ordinance shall become effective upon and after its final passage.

Passed on First Reading: \_\_\_\_\_

Passed on Second Reading \_\_\_\_\_

CITY OF MAULDIN, SOUTH CAROLINA

BY: \_\_\_\_\_  
Terry Merritt, Mayor

ATTEST:

\_\_\_\_\_  
Cindy Miller, Municipal Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Daniel Hughes, City Attorney



# BUILDING CODES COMMITTEE AGENDA ITEM

**MEETING DATE:** April 1, 2024

**AGENDA ITEM:** 6c

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**TO:** Building Codes Committee

**FROM:** Business & Development Services Director, David C. Dyrhaug

**SUBJECT:** Nonconformities

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## BACKGROUND

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The purpose of provisions for nonconformities is to protect the rights of property owners who have lawfully established, and continuously maintained in a lawful manner, a use, structure or property prior to the adoption or amendments of the Zoning Ordinance that otherwise may render that use, structure, or property as unlawful. Additionally, provisions for nonconformities can aid in the gradual elimination of uses, structures, and properties that no longer comply with the Zoning Ordinance as it is adjusted for changing visions of the City.

The current provisions for nonconforming uses, sites, lots, structures, and signs are in need of strengthening in order to be able to adequately address these matters. As the City continues to revise and amend its zoning and land use regulations, clear provisions addressing nonconformities will become increasingly important.

## DRAFT ORDINANCE

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Currently the City has brief standards pertaining to nonconforming uses, lots, structures, and signs. The proposed draft ordinance strengthens and clarifies the provisions for nonconformities. The following table summarizes these standards that have been preserved and amended in the proposed draft ordinance. In addition to these changes, the proposed draft ordinance also reorganizes these standards so that they are easier to navigate and understand while placing these provisions in a new Article (Article 11) of the Zoning Ordinance that is easier to find. Presently these standards are buried at the bottom of the Article for General Standards and Definitions (except for the nonconforming sign provisions which are buried near the bottom of the Section for Sign Standards).

### CURRENT STANDARDS

#### ILLEGAL NONCONFORMITIES

No direct language.

### STANDARDS IN DRAFT ORDINANCE

Nonconformities which were not properly permitted or were otherwise illegally established are declared a violation of the Zoning Ordinance.



## CURRENT STANDARDS

## STANDARDS IN DRAFT ORDINANCE

### LEGAL NONCONFORMING USES

Cannot be enlarged or extended.

Clarifies that legal nonconforming uses are not allowed to be enlarged, expanded, or extended.

Normal maintenance and repair allowed to the building.

Same as before but stated in under the “General Provisions” section.

The building may be reconstructed if it is damaged or destroyed (permit application required within 6 months).

Same as current standards.

Can be changed to a conforming use.

Same as current standards.

Zoning Board of Appeals may approve change to another nonconforming use.

Nonconforming uses are not allowed to be changed to another nonconforming use.

No longer allowed if the use ceases for a continuous period of 90 calendar days.

Same as current standards. Clarified the circumstances that could warrant consideration of abandonment.

New nonconforming uses are not allowed to be added.

Nonconforming uses are not allowed to be moved or relocated to where it would still be a nonconforming use.

Once a building associated with a nonconforming use is removed, it cannot be reestablished.

Changes of ownership of a nonconforming use are allowed.

Accessory structures are not allowed to be added to nonconforming uses.

Accessory nonconforming uses cannot be reestablished at any time after it ceases.

### LEGAL NONCONFORMING STRUCTURES

Normal maintenance and repair allowed.

Same as current standards provided the nonconformity is not increased.

May be reconstructed in the same footprint if it is damaged or destroyed (permit application required within 6 months).

Same as current standards.

Only single-family residential structures may be enlarged or extended.

Any legal nonconforming structure may be enlarged or extended provided the extension meets the required backs.

New additions must meet the building setback requirements for that district.

Same as current standards.

Alterations are allowed that reduce or eliminate a nonconformity.

The portion of a façade associated with an expansion or renovation must conform to building design standards.



## CURRENT STANDARDS

## STANDARDS IN DRAFT ORDINANCE

### LEGAL NONCONFORMING SITES AND LOTS

Nonconforming lots in single-family districts may be used as a building site for a single-family residence.

Legal nonconforming lots in any district may be developed.

New construction must meet the building setback requirements for that district.

Same as current standards.

Modifications and improvements to sites are allowed so long as the nonconformity is not increased.

As the site or buildings are expanded, landscaping and parking must be brought into compliance in a proportionate manner.

Sites made nonconforming due right-of-way acquisition may be improved or expanded without a variance.

### LEGAL NONCONFORMING SIGNS

Normal maintenance including painting the structure or changing the face of the sign is allowed.

Clarifies that normal maintenance and repairs includes not only painting, but also repairs necessary to restore a sign to a safe condition. Sign face changes are allowed as before.

Damaged or destroyed signs cannot be reconstructed or replaced if the cost exceeds 50 percent of the value of the sign.

Same as current standards.

Nonconforming signs cannot be reestablished after it has been abandoned for 180 days.

Same as current standards.

Nonconforming temporary signs must be removed within 30 days of the enactment of the ordinance.

Temporary signs made nonconforming by amendments to the Zoning Ordinance must be removed within 30 days of the amendment.

Nonconforming signs or sign structures cannot be replaced with another nonconforming sign or sign structure.

Same as current standards.

Nonconforming signs cannot be altered.

Structural alterations that substantially reduce the nonconformity are allowed.

Nonconforming signs cannot be expanded.

Same as current standards.

Nonconforming signs cannot be relocated unless the whole sign is brought into compliance.

Nonconforming signs in newly acquired right-of-way can be relocated.

## PUBLIC HEARING

The Planning Commission held a public hearing on April 1, 2024. Mr. Norman Bunn, with Emmanuel Bible Church, spoke in support of the ordinance. Specifically he commented that he appreciates how this ordinance will help some of the properties that will be impacted by the SCDOT project along East Butler Road.





## **TIMELINE**

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On March 26, 2024, the Planning Commission held a public hearing and voted 7-0 to recommend approval of the ordinance.

## **STAFF RECOMMENDATION**

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As nonconforming uses and structures become more prevalent due to ordinance amendments, having clear and thorough standards for nonconformities will be necessary. Staff supports the adoption of this ordinance.

## **PLANNING COMMISSION RECOMMENDATION**

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On March 26, 2024, the Planning Commission voted 7-0 to recommend approval of the ordinance.

## **ATTACHMENTS**

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Draft Ordinance

**ORDINANCE # \_\_\_\_\_**

**AN AMENDMENT TO THE MAULDIN ZONING ORDINANCE  
ESTABLISHING REGULATIONS FOR NONCONFORMING  
USES, STRUCTURES, SITES, LOTS, AND SIGNS.**

**WHEREAS**, some lots, sites, structures, uses, or signs may not conform to new or amended zoning standards adopted by the City from time to time; and

**WHEREAS**, this ordinance is intended to improve existing regulations regarding nonconforming uses by adopting new regulations for nonconforming lots, sites, structures, uses, and signs that were lawfully established; and

**WHEREAS**, the City is engaged in ongoing efforts to update and refine the City's zoning regulations; and

**WHEREAS**, the City Council finds and determines that the following amendments to its zoning ordinance are reasonable and in the best interests of the City; and

**WHEREAS**, pursuant to properly published public notice, the Mauldin Planning Commission considered this matter at a public hearing on March 26, 2024, and unanimously recommended approval.

**NOW THEREFORE BE IT ORDAINED** by the Mayor and City Council of the City of Mauldin, South Carolina, in council assembled and by the authority thereof that the Mauldin Zoning Ordinance be amended as follows:

**Section 1. Repeal.** Section 3:12, Nonconforming Uses, Structures, and Lots, of the Mauldin Zoning Ordinance is hereby repealed in its entirety.

**Section 2. Repeal.** Section 6:4.1.15, Nonconforming Sign (Grandfathered Signs), of the Mauldin Zoning Ordinance is hereby repealed in its entirety.

**Section 3. Adoption.** Adopt Article 11, Nonconformities, as follows (*language that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language that is not ~~struck through~~ or underlined is not to be changed, and \*\*\* represents sections of the Zoning Ordinance that have been skipped and remain unchanged*):

**ARTICLE 11. – NONCONFORMITIES**

**Sec. 11:1 – General Provisions.**

11:1.1 Purpose and Intent.

From time to time, lots, sites, structures, uses, and signs that were lawfully established may no longer conform to the current standards of this Ordinance by reason of adoption, revision, or amendment to the Ordinance, or even right-of-way acquisition for public infrastructure projects. The standards of this Article seeks to relieve hardship from the requirements of this Ordinance for legal nonconformities while also improving the City's ability to regulate nonconformities. This Article provides for the removal and termination of illegal nonconformities and the regulation of legal nonconforming lots, sites, structures, and uses, and specifies those circumstances and conditions under which legal nonconformities are permitted to continue.

11:1.2 Applicability.

- A. **Legal nonconformities.** Legal nonconformities are the nonconformities that were properly permitted and legally established but no longer comply with current zoning and development regulations. This Article applies to existing lots, sites, structures, and uses that became nonconforming upon the adoption or amendment of this Ordinance, or other lawful adjustment pertaining to the lot or site such as public right-of-way acquisition. Legal nonconformities are allowed to continue in accordance with the regulations of this Article.
- B. **Illegal nonconformities.** Illegal nonconformities are those conformities that were not properly permitted, or were otherwise illegally established, and do not comply with current zoning and development regulations. Illegal nonconformities are hereby declared to be prohibited and a violation of this Ordinance. Illegal nonconformities are subject to enforcement actions, up to and including removal and termination. Illegal nonconforming lots, sites, structures, and uses are not allowed to be changed, enlarged, expanded, or extended unless such nonconforming lot, site, structure or use is brought into full compliance with the provisions of this Ordinance.

11:1.3. Burden of Proof.

The burden of establishing a legal nonconformity shall, in all cases, be upon the owner of such lot, site, structure, or use, and not upon the City or any other person.

11:1.4. Repairs and Maintenance.

Repairs and normal maintenance required to keep nonconforming sites and structures in a safe condition are hereby allowed so long as no alterations are made to the site or structure beyond those allowed by this Article or otherwise allowed by law or ordinance. Additionally, repairs ordered by a public official whose interest is in the protection of public safety are also hereby allowed.

Sec. 11:2. – Nonconforming Uses.

11:2.1. Continuation of Legal Nonconforming Uses.

Uses of land and buildings that lawfully existed prior to the adoption or amendment of this Ordinance, but which are not a use allowed by the current standards of this Ordinance, may continue to operate as a legal nonconforming use in accordance with the following standards.

- A. **Enlargement.** A legal nonconforming use may not be enlarged, expanded, or extended to occupy a greater area of land or floor area than presently occupied.
- B. **Accessory structures.** No new accessory structure(s) may be established on the site of the legal nonconforming use.
- C. **New uses.** No new use(s) which are not allowed by the zoning of the lot or property may be established on the site of the legal nonconforming use.
- D. **Change of use.** A legal nonconforming use may not be changed to another use that is not allowed by the zoning of the lot or property.
- E. **Relocation.** A legal nonconforming use may not be moved or relocated, in whole or in part, to any other portion of the site on which it is located, or to any other building located thereon, nor to any other lot or property, unless such use is allowed by the zoning of that lot or property.
- F. **Damage or destruction.** A legal nonconforming use located within a building or structure which is damaged or destroyed may be restored or reestablished provided that a building permit for such reconstruction or restoration is applied for with the City within six (6) months from the date of the occurrence that caused the damage or destruction and provided that the size and number of the buildings or structures is not increased. Any building or structure which is not reestablished in the exact same footprint must meet all the bulk and setback requirements for the zoning district in which it is located.
- G. **Removed structures.** A legal nonconforming use associated with a building or structure that is physically removed or relocated from the lot or property may not be reestablished or replaced on that lot or property. Notwithstanding, manufactured homes in nonconforming manufactured housing communities may be replaced so long as the total number of units does not increase from the time of adoption or amendment of this Ordinance.
- H. **Change of ownership.** Changes of ownership or management of a nonconforming use, where the use does not change, are permitted in accordance with the standards of this section.

11:2.2. Abandonment of Nonconforming Uses.

If a legal nonconforming use is abandoned, discontinued, or ceases activity for a continuous period of ninety (90) calendar days, such use shall not be reestablished, and any use of the lot or property shall thereafter conform to the uses allowed by the zoning district in which it is located. The Business and Development Services Director shall have the authority to determine if a legal nonconforming use has been abandoned for a continuous period of 90 days or more. The Business and Development Services Director may consider the following circumstances in making such a determination:

- A. The disconnection of utility services, such as water, gas, or electricity, to the building or property, including the closing of an account for such service;
- B. The removal of equipment, fixtures, or structures associated with the nonconforming use;
- C. The neglect and disrepair of structures and facilities associated with the nonconforming use;
- D. The removal or abandonment of signs associated with the nonconforming use;
- E. The expiration or termination of a City-issued business license for the nonconforming use;
- F. The discontinuation of activities at the lot or property; or
- G. Other actions which, in the judgment of the Business and Development Services Director, demonstrate an intention to abandon or cease the nonconforming use.

If the owner of the nonconforming has taken observable steps to resume the nonconforming use prior to the end of this 90-day period, the Business and Development Services may take this into consideration.

11:2.3. Abandonment of Accessory Nonconforming Uses.

A legal nonconforming use that is accessory to a principal use is not allowed to continue or be reestablished after any length of time of abandonment or cessation.

Sec. 11:3 – Nonconforming Structures

11:3.1. Continuation of Legal Nonconforming Structures

Structures that lawfully existed prior to the adoption or amendment of this Ordinance, but which do not comply with the current standards of this Ordinance, may continue to be used or occupied as a legal nonconforming structure in accordance with the following standards.

- A. **Repairs and alterations.** A legal nonconforming structure may be repaired, improved, modernized, altered, or rehabilitated only if the extent of the nonconforming aspect of the structure is not increased.
- B. **Expansions and additions.** A legal nonconforming building may be enlarged or altered, provided the area of the expansion is within required setbacks and meets all other development and zoning standards. The portion of a building that encroaches into a required building setback or landscape buffer may not be increased in height.
- C. **Reduction of nonconformity.** A legal nonconforming structure may be altered or modified in a manner that eliminates, removes, or reduces any or all of the nonconforming aspect(s) of the structure. Nonconforming aspects of structure may not be reestablished after they have been eliminated, removed, or reduced.
- D. **Damage or destruction.** A legal nonconforming structure which is damaged or destroyed may be restored or reestablished within the same footprint as existed at the time of the damage or destruction provided that a building permit for such reconstruction or restoration is applied for with the City within six (6) months from the date of the occurrence that caused the damage or destruction.

#### 11:3.2. Nonconforming Façade Design

Buildings with a façade that does not conform to the building design standards of this Ordinance may be repaired or improved in a manner that reduces or eliminates or otherwise does not increase or reproduce the nonconforming aspect(s) of the façade. However, if any other building expansion or renovation is proposed, such expansion or renovation must conform with the building design standards of this Ordinance, as determined by the Business and Development Services Director.

#### Sec. 11:4 – Nonconforming Sites and Lots

##### 11:4.1. Continuation of Legal Nonconforming Sites

Sites with improvements that lawfully existed prior to the adoption or amendment of this Ordinance, but which do not comply with the current standards of this Ordinance, may continue to be used or occupied as a legal nonconforming site in accordance with this section. Regarding additional site improvements and modifications, this section is intended to foster gradual increased conformance, and ultimately compliance, with the site standards in this Ordinance such as landscaping, parking, lighting, and so forth.

##### 11:4.2. Modifications and Improvements to Legal Nonconforming Sites

Modifications and improvements to legal nonconforming sites may be allowed by the Business and Development Services Director without necessarily bringing the entire site in conformance. Any modifications or improvements must not increase the extent to which

the site does not conform to current standards in this Ordinance. Aspects of the site that do not conform to parking and/or landscaping standards of this Ordinance must be brought into compliance upon modification and improvements to the nonconforming site to the extent that is proportionate to the size of the expansion of the site or building.

The Business and Development Services Director shall determine the aspects of the site that should be brought into conformance that are reasonable and in proportion to the site modifications and improvements being proposed. The Business and Development Services Director may consider the following circumstances in making such a determination:

- A. The scale and construction cost of the building or site improvements or expansion;
- B. The need for improvements to enhance public safety at the site;
- C. The opportunity for improvements to achieve the visions, objective and/or strategies of the City such as the installation of sidewalks to promote and enhance the pedestrian experience; and
- D. The opportunity for improvements to eliminate or reduce nonconforming aspects of the site.

#### 11:4.3. Nonconforming Sites Resulting from Right-of-Way Acquisition or Expansion

Buildings, structures, parking lots, and other site improvements which lawfully existed prior to the adoption or amendment of this Ordinance, but which no longer comply with the provisions of this Ordinance due to the acquisition or expansion of right-of-way on behalf of the City, Greenville County, or the State of South Carolina may continue to be used or occupied as a legal nonconforming site.

Such sites may be improved or expanded without a variance upon determination by the Business and Development Services Director that such improvement or expansion is reasonable. The Business and Development Services Director may consider the following circumstances in making such a determination:

- A. The building, structure, parking lot, or other site improvement was in conformance with current standards prior to the acquisition or expansion of the right-of-way;
- B. The building, structure, parking lot, or other site improvement will not further encroach into the required setback or buffer yard; and
- C. The proposed improvement or expansion will meet the current standards of this Ordinance to the extent practical.

11:4.4. Development of Legal Nonconforming Lots

Lots of record that lawfully existed prior to the adoption or amendment of this Ordinance, but which no longer comply with the provisions of this Ordinance, may be developed for uses allowed in the applicable zoning district in accordance with the following standards:

- A. **Existing lot of record.** The lot must be an existing lot of record, lawfully created prior to the adoption or amendment of this Ordinance; and
- B. **Compliance with standards.** The location and development of the lot must conform to all other applicable standards of this Ordinance such as building setbacks, maximum density, minimum open space, maximum building height, minimum parking, landscaping, etc.

Sec. 11:5 – Nonconforming Signs

11:5.1. Continuation of Legal Nonconforming Signs

Signs that lawfully existed prior to the adoption or amendment of this Ordinance, but which no longer comply with the provisions of this Ordinance, may continue to be used and maintained in accordance with the following standards:

- A. **Sign face change.** The sign face, including the copy or graphics on the sign face, may be changed on a nonconforming sign. However, a nonconforming sign or sign structure may not be changed or replaced with another nonconforming sign or sign structure.
- B. **Structural alteration.** A nonconforming sign may only be structurally altered to eliminate or substantially reduce a nonconforming aspect of the sign. The Business and Development Services Director shall determine if the reduction is substantial enough to warrant the alteration. Additionally, the alteration must not introduce or increase another nonconforming aspect of the sign.
- C. **Enlargement or relocation.** A nonconforming sign may not be enlarged, expanded, or relocated, unless the entire sign is brought into full compliance with the current standards of this Ordinance.
- D. **Removed signs.** A nonconforming sign which has been removed for any reason may not be reestablished or reconstructed, unless the entire sign is brought into full compliance with the current standards of this Ordinance.
- E. **Damage or destruction.** A nonconforming sign shall not be reestablished or reconstructed after damage or destruction of more than 50 percent of the replacement value of the same type sign at the time of such damage or destruction.



- F. **Abandoned signs.** A nonconforming sign shall not be reestablished or reused after it has been abandoned for more than a continuous period of 180 days. Abandonment shall include signs without a message or whose display surface has been blank or covered; signs which pertain to a time, event, or purpose which no applies or has elapsed; signs advertising a business that has closed or terminated occupancy at the premises of the sign; or signs consistent with the definition of an abandoned sign or sign structure as provided in this Ordinance.
- G. **Acceptable relocation.** Notwithstanding the standards herein, a sign may be relocated in accordance with Section 11:5.3.

#### 11:5.2. Repair and Maintenance of Legal Nonconforming Signs

A nonconforming sign may be maintained and repaired in accordance with this section. Repairs necessary to restore a nonconforming sign or sign structure to a safe condition are allowable in accordance with the provisions of this section. Basic maintenance, such as painting or refinishing the surface of the sign or sign structure, are allowable in accordance with the provisions of this section.

#### 11:5.3. Signs Made Nonconforming Due to Right-of-Way Acquisition

When a sign, whether conforming or legal nonconforming, is located on property which is acquire as right-of-way by the City, Greenville County, or the State of South Carolina, the sign may continue to be used or relocated in accordance with the following standards:

- A. **Signs outside new right-of-way.** A sign which is not located in and does not overhang the new right-of-way may remain in its place unless it is found to obstruct pedestrian and motorist visibility at driveways and/or intersection. If the sign does need to be relocated, it shall comply, as near as possible, to the required setbacks provided in this Ordinance. Where there are constraints on the site that prevent the sign from meeting the required setback, it shall be permitted to encroach into the required as minimally as possible and must be located so as not to obstruct pedestrian and motorist visibility at driveways and/or intersections.
- B. **Signs inside the new right-of-way.** When a sign is located within the newly acquired right-of-way, the sign must be relocated out of the new right-of-way and shall comply, as near as possible, to the required setbacks provided in this Ordinance. Where there are constraints on the site that prevent the sign from meeting the required setback, it shall be permitted to encroach into the required setback as minimally as possible and must be located so as not to obstruct pedestrian and motorist visibility at driveways and/or intersections.
- C. **Legal nonconforming sign status.** Any sign that does not meet the required setbacks, whether it has been relocated or remained in place, shall be deemed a legal nonconforming sign and shall be subject to the provisions for legal nonconforming signs provided in this section.

#### 11:5.4. Nonconforming Temporary Signs

Temporary signs that lawfully existed prior to any subsequent amendments of this Ordinance, but which no longer comply with the provisions of this Ordinance because of an amendment, must be removed within thirty (30) calendar days of the effective date of the amendment to this Ordinance.

#### Sec. 11:6. The Nonconforming Sale and Rental of Moving Trucks, Trailers, Intermodal Containers, and Temporary Portable Units

##### 11:6.1. Cessation in All Districts Except S-1 and C-2

In accordance with City Ordinance #1013, the sale and rental of moving trucks, trailers, intermodal containers and temporary portable storage units not in the S-1 or C-2 districts shall cease no later than two (2) years from the date of final passage of Ordinance #1013 on December 19, 2022. No moving trucks, trailers, intermodal containers, or temporary portable storage units for rent, sale, or otherwise stored on the property shall remain on the premises after this cessation period. As used herein, moving trucks and trails shall mean trucks (including box trucks and cargo vans) and trailers primarily used for storing, moving, and hauling goods. An intermodal container is defined as a standardized reusable steel box, or similar container, used for the safe, efficient and secure storage and movement of materials and products within a global containerized intermodal freight transport system. A temporary portable storage unit is defined as a temporary, self-contained storage unit, which is intended to be picked up and moved to various locations on demand. The sunset provisions contained herein do not apply to the rental of pickup trucks and other vehicles at car rental services primarily used for personal transportation instead of transporting goods and also do not apply to the temporary use of storage containers as otherwise allowed by this Ordinance.

##### 11:6.2. Continuation in the C-2 District

In accordance with City Ordinance #1013, the nonconforming sale and rental of moving trucks, trailers, intermodal containers, and temporary portable units that was lawfully established in the C-2 district shall, within two (2) years from the date of final passage of Ordinance #1013 on December 19, 2022, keep and maintain the moving trucks, trailers, intermodal containers, and temporary portable storage units (“the equipment”) within a storage area subject to the conditions set forth below. The intent of these standards is to limit equipment from being stored or displayed in front of the principal building for the business. The “storage area” referenced below is the portion of the property intended for parking or storage of the equipment being prepared or stored for rent, sale, or service in connection with the business located on the property.

- A. **Storage area location.** The storage area shall not be located any closer to the edge of the road right-of-way than the front façade of the principal building for the business.

- B. **Storage area screening.** The storage area shall be completely screened from the view of any public or private right(s)-of-way and from any adjacent residential use or residential zoning district. Screening shall be accomplished by the installation of an opaque wall, fence, or evergreen plant material or a combination thereof. The height of the screening material must be at least eight (8) feet.
- C. **Equipment outside the storage area.** No more than two (2) pieces of equipment may be kept outside the storage area and in front of the principal building at one time. Any other equipment may be kept out the storage area and in front of the principal building on a temporary basis not to exceed four (4) hours during normal business hours at a time when being processed for customer pick up and drop off.
- D. **Conflicting standards.** The standards in this section do not substitute or replace higher standards that may be provided for particular uses within the C-2 zoning district.

**Section 4 Amendment.** Amend Section 3:3, Definitions, of Article 3, as follows (*language that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language that is not ~~struck through~~ or underlined is not to be changed, and \*\*\* represents sections of the Zoning Ordinance that have been skipped and remain unchanged*):

#### ARTICLE 3. – ZONING DISTRICTS, GENERAL STANDARDS, DEFINITIONS

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##### Sec. 3:3 – Definitions

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*Nonconforming lot.* ~~A lot of record at the time of passage of this ordinance which does not meet the requirements for area and/or width generally applicable in the district in which such lot is located.~~ A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Ordinance but, by reason of such adoption, revision, amendment, or right-of-way acquisition, fails to conform to the current standards of this Ordinance.

*Nonconforming sign.* ~~A legally established sign that does not conform to the minimum standards and provisions of the effective date of this article and/or are made nonconforming by subsequent amendments to this Chapter. Nonconformities include but are not limited to: sign type, sign height, sign copy size and location (both on premises and off premises).~~ A sign which was lawful prior to adoption, revision, or amendment of this Ordinance but, by reason of such adoption, revision, amendment, or right-of-way acquisition, fails to conform to the current standards of this Ordinance.

*Nonconforming structure or building.* A structure or building, the size, dimensions, design, or location of which was lawful prior to the adoption, revision, or amendment of this Ordinance but, by reason of such adoption, revision, amendment, or right-of-way acquisition, fails to conform to the current standards of this Ordinance.

~~*Nonconforming use or structure.*~~ A land use or structure that existed lawfully on the date this Zoning Ordinance became effective and which does not conform to the permitted uses for the zoning district in which it is situated. ~~Nonconforming uses are incompatible with permitted uses in the district involved. Such nonconformities are permitted to continue until they are removed.~~ A land use or activity that was lawful prior to the adoption, revision, or amendment of this Ordinance but, by reason of such adoption, revision, or amendment, fails to conform to the current standards and allowed uses of this Ordinance.

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**Section 5 Amendment.** Amend Section 6:4.1.2, Definitions, of Article 6, as follows (*language that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language that is not ~~struck through~~ or underlined is not to be changed, and \*\*\* represents sections of the Zoning Ordinance that have been skipped and remain unchanged*):

#### ARTICLE 6. – DEVELOPMENT AND DESIGN STANDARDS

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##### Sec. 6:4 – Signs

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~~*Nonconforming sign.*~~ A legally established sign that does not conform to the minimum standards and provisions of the effective date of this article and/or are made nonconforming by subsequent amendments to this Chapter. ~~Nonconformities include but are not limited to: sign type, sign height, sign copy size and location (both on-premises and off-premises).~~

\*\*\*

**Section 6 Severage Provision.** It is hereby declared to be the intention of the governing authority of this municipality that the sections, paragraphs, sentences and clauses and phrases are severable, and if any phrase, clause, sentence, paragraph, subsection, or section of this Ordinance shall be declared to be invalid or unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such invalidity or unconstitutionality shall not effect any of the remaining portions of this Ordinance so held to be invalid.



**Section 7.** This ordinance shall become effective upon and after its final passage.

Passed on First Reading: \_\_\_\_\_

Passed on Second Reading \_\_\_\_\_

CITY OF MAULDIN, SOUTH CAROLINA

BY: \_\_\_\_\_  
Terry Merritt, Mayor

ATTEST:

\_\_\_\_\_  
Cindy Miller, Municipal Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Daniel Hughes, City Attorney